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12 **BEFORE THE ARIZONA MEDICAL BOARD**

13 In the Matter of:

14 **ALAN I. RICHMAN, M.D.**

15 Holder of License No. 25503
16 For the Practice of Allopathic Medicine
17 In the State of Arizona,

18 Respondent.

NO. MD-01-0349

**CONSENT AGREEMENT FOR
VOLUNTARY SURRENDER**

19 In the interest of a prompt and judicious settlement of the above-captioned matter
20 before the Arizona Medical Board (Board) and consistent with the public interest,
21 statutory requirements and responsibilities of the Board and pursuant to A.R.S. § 41-
22 1092.07(F)(5) and A.R.S. § 32-1401 *et seq.*, Alan I. Richman, M.D. (Respondent),
23 holder of license number 25503 to practice allopathic medicine in the State of Arizona,
24 and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law
25 and Order ("Consent Agreement") as the final disposition of this matter.

26 1. Respondent has read and understands this Consent Agreement as set forth
herein, and has had the opportunity to discuss this Consent Agreement with an attorney
or has waived the opportunity to discuss this Consent Agreement with an attorney.

1 Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding
2 the expense and uncertainty of an administrative hearing.

3 2. Respondent understands that he has a right to a public administrative
4 hearing concerning each and every allegation set forth in the above-captioned matter, at
5 which administrative hearing he could present evidence and cross-examine witnesses. By
6 entering into this Consent Agreement, Respondent freely and voluntarily relinquishes all
7 right to such an administrative hearing, as well as all rights of rehearing, review,
8 reconsideration, appeal, judicial review or any other administrative and/or judicial action,
9 concerning the matters set forth herein. Respondent affirmatively agrees that this
10 Consent Agreement shall be irrevocable.

11 3. Respondent agrees that the Board may adopt this Consent Agreement or
12 any part of this agreement, under A.R.S. § 32-1451(G)(5). Respondent understands that
13 the Board may consider this Consent Agreement or any part of it in any future
14 disciplinary action against him.

15 4. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of other matters currently pending before the Board, *if any*, and
17 does not constitute any waiver, express or implied, of the Board's statutory authority or
18 jurisdiction regarding any other pending or future investigation, action or proceeding.
19 Respondent also understands that acceptance of this Consent Agreement does not
20 preclude any other agency, subdivision or officer of this state from instituting other civil
21 or criminal proceedings with respect to the conduct that is the subject of this Consent
22 Agreement.

23 5. All admissions Respondent makes in this Consent Agreement are made
24 solely for the final disposition of this matter, and any related administrative proceedings
25 or civil litigation involving the Board and Respondent. This Consent Agreement is not to
26

1 be used for any other regulatory agency proceedings, or civil or criminal proceedings,
2 whether in the State of Arizona or any other state or federal court, except related to the
3 enforcement of the Consent Agreement itself.

4 6. Respondent acknowledges and agrees that, upon signing this Consent
5 Agreement and returning this document to the Board's Executive Director, Respondent
6 may not revoke his acceptance of the Consent Agreement or make any modifications to
7 the document, regardless of whether the Executive Director issued the Consent
8 Agreement. Any modification to this original document is ineffective and void unless
9 mutually approved by the parties in writing.

10 7. Respondent understands that the foregoing Consent Agreement shall not
11 become effective unless and until the Board adopts it and the Executive Director signs it.

12 8. Respondent understands and agrees that if the Board does not adopt this
13 Consent Agreement, he will not assert as a defense that the Board's consideration of it
14 constitutes bias, prejudice, prejudgment or other similar defense.

15 9. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board, and shall be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

19 10. Respondent understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(24)(r)([v]iolating a
21 formal order, probation, consent agreement or stipulation issued or entered into by the
22 board or its executive director under the provisions of this chapter) and may result in
23 disciplinary action pursuant to A.R.S. § 32-1451.

24
25 12/14/2005
26 DATED


ALAN I. RICHMAN, M.D.
Respondent

1
2 APPROVED AS TO FORM:

3
4 DATED

12/23/05


Judith Berman, Esq.

FINDINGS OF FACT

1. The Arizona Medical Board ("Board") is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.
2. Alan I. Richman, M.D. ("Respondent") holds License No. 25503 for the practice of allopathic medicine in the State of Arizona.
3. On June 9, 1999, in Fort Meyers, Florida, Respondent touched Patient A.G. in an inappropriately sexual manner during an examination; specifically, rubbing himself against the patient while he was sexually aroused.
4. On September 19, 2000, the Fort Meyers' Florida Police Department arrested Respondent for felony sexual battery, committed on September 14, 2000, upon Patient C.G.
5. On November 2, 2000, the State of Florida, Department of Health, summarily suspended Respondent's medical license based upon the above cited facts. His Florida medical license remains suspended to date.
6. Respondent admits that the acts described in the foregoing paragraphs 1 - 5 constitute unprofessional conduct pursuant to:
 - A.R.S. §§ 32-1401(27)(a) "Violating any federal or state laws, rules or regulations applicable to the practice of medicine;" A.R.S. § 32-1401(27)(d) "Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by any court of competent jurisdiction

1 or a plea of no contest is conclusive evidence of the commission;”

2 • A.R.S. § 32-1401(27)(o) “Action that is taken against a doctor of medicine by
3 another licensing or regulatory jurisdiction due to that doctor's mental or physical
4 inability to engage safely in the practice of medicine, the doctor's medical
5 incompetence or for unprofessional conduct as defined by that jurisdiction and that
6 corresponds directly or indirectly to an act of unprofessional conduct prescribed
7 by this paragraph. The action taken may include refusing, denying, revoking or
8 suspending a license by that jurisdiction or a surrendering of a license to that
9 jurisdiction, otherwise limiting, restricting or monitoring a licensee by that
10 jurisdiction or placing a licensee on probation by that jurisdiction;”

11 • A.R.S. § 32-1401(27)(q) “Any conduct or practice which is or might be harmful or
12 dangerous to the health of the patient or the public;” and

13 • A.R.S. § 32-1401(27)(z) “Engaging in sexual conduct with a current patient or with
14 a former patient within six months after the last medical consultation unless the
15 patient was the licensee's spouse at the time of the contact or, immediately
16 preceding the physician-patient relationship, was in a dating or engagement
17 relationship with the licensee. For the purposes of this subdivision, “sexual
18 conduct” includes: (i) Engaging in or soliciting sexual relationships, whether
19 consensual or nonconsensual; (ii) Making sexual advances, requesting sexual
20 favors or engaging in any other verbal conduct or physical contact of a sexual
21 nature; (iii) Intentionally viewing a completely or partially disrobed patient in the
22 course of treatment if the viewing is not related to patient diagnosis or treatment
23 under current practice standards.”
24
25
26

1 **CONCLUSIONS OF LAW**

2 7. The Board possesses jurisdiction over the subject matter and over Respondent
3 pursuant to A.R.S. § 32-1432.02. The Board possesses statutory authority to enter
4 into a consent agreement with a physician and accept the surrender of an active
5 license from a physician who admits to having committed an act of unprofessional
6 conduct pursuant to A.R.S. § 32-1451(T)(2).
7

8 **ORDER**

9 Based on the above findings of fact and conclusions of law and pursuant to the
10 authority granted to the Board by A.R.S. § 32-1451(T),
11

12 **IT IS HEREBY ORDERED**, that license number 25503, issued to Alan I.
13 Richman, M.D., for the practice of allopathic medicine in the State of Arizona, be
14 deemed surrendered and that he immediately return his wallet card and certificate of
15 licensure to the Board.

16 DATED AND EFFECTIVE this 9th day of February, 2008⁶.
17 ARIZONA MEDICAL BOARD

18
19 (SEAL)



23 By:


24 Timothy Miller, J.D.
25 Executive Director
26

23 Original of the foregoing filed this
24 9th day of February, 2008⁶, with:

25 Arizona Board of Medical Examiners
26 9545 E. Doubletree Ranch Road
Scottsdale, Arizona 85258

1 COPY of the foregoing mailed by U.S.

2 Certified Mail this 9th day
3 of February, 2008, to:

4 Judith Berman
5 Dolye, Berman, Gallenstein, P.C.
6 Attorneys for Respondent
7 3300 N. Central Ave., Ste. 1600
8 Phoenix, AZ 85012

9 COPIES of the foregoing mailed
10 this 9th day of February, 2008, to:

11 Melissa Cornelius
12 Assistant Attorney General
13 1275 W. Washington, CIV/LES
14 Phoenix, Arizona 85007

15 Board Coordinator
16 Arizona Board of Medical Examiners
17 9545 E. Doubletree Ranch Road
18 Scottsdale, Arizona 85258

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20 Board Operations

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